

THE BRITISH COLONIST

Thursday Morning, February 11, 1864

TO ADVERTISERS.

All advertisements, unless the time for which they are to be inserted is specified, will be continued until ordered out, and so charged.

JOB PRINTING.

For Book and Job Printing, every description usually executed. Terms, cash, on delivery of the work.

THE LAW OF CAPIAS.

There are many reforms wanting in our law, but there is no greater evil existing, so far as its administration is concerned, than the want of some concurrent jurisdiction in the two colonies. Nothing can be worse than the present system, under which any man carrying on business in British Columbia and visiting this Colony for purposes of business or pleasure may, if he happens to owe any sum over one hundred dollars, be arrested on mesne process, and held to bail to meet the action. And this, although such action may have arisen entirely in British Columbia, and not the faintest shadow of a reason exists for trying it in this city, other than the simple fact that both plaintiff and defendant happen to be temporary residents in this Island. The man of business who may be responsible for all his debts, and quite ready to meet his engagements, finds himself placed in an exceedingly awkward position on being suddenly arrested. He is perhaps unable or unwilling to give security for his due attendance to meet an action. What is the consequence? He has either to pay a claim which may be he does not owe, or to suffer the indignity and annoyance, besides the probable loss of being incarcerated for some time in the debtor's prison of this city. It is not for the interests of the trading community of either colony that such a system should be continued. In some few instances the plaintiff may be classified by the defendant going away, for instance when a debtor owes money down here and is going to start for the upper country, with perhaps all his available cash with him. But these cases are few and far between, and the simple fact is that the writ of capias is now frequently resorted to as a means of extracting money from the defendant in the action which in nine cases out of ten, he will pay rather than dispute, in order to avoid trouble. We do not by any means advocate the total abolition of arrest on mesne process, on the contrary, we are well aware that there are many cases in which it is almost the only security that the plaintiff has for the ultimate payment of his money. But the necessity for the writ as between this and the sister colony, might be entirely got rid of by the very simple arrangement of making the jurisdiction of the judges in both colonies concurrent, so that a judgment and other proceedings taken here could be enforced in any part of British Columbia and vice versa. We have never heard one single argument used against our suggestion, and are at a loss to understand why some of our Legislators do not take up the question, can it be possible that they are waiting for the Government to take action in the matter? It is a subject clearly beyond the jurisdiction of our Legislative Assembly and Council. The Home Government must be set in motion, and it would probably require the joint requisition of this and the sister colony to obtain the necessary order in Council. We cannot but suppose that the representatives of British Columbia would join heartily in a recommendation to confer such additional powers upon the judges of the two colonies as would enable them to try cases which strictly belong to the adjoining colony. It is true that at present it is entirely within the discretion of the judge on being satisfied of the evidence before him to allow the issue of the capias or not—and it is usual in England for a judge to require very strong evidence not only of the facts but also of the probabilities of the plaintiff losing his money if he does not obtain the aid of this writ of capias. Here from the facilities with which the writ is issued, we should suppose that the judge is not quite so particular in requiring strong affidavits. Be this as it may, it is high time that some steps were taken to remedy the present system, and we heartily commend the subject to the attention of our legislature.

RETROGRADE POLICY.

In these days of progress it is somewhat surprising to find any connected with the government of a country taking "two steps backward rather than one forward," yet we cannot help feeling that the new Legislative Council of British Columbia has by its recent action placed itself in this category. We learn from the reports of the proceedings that one of their first steps was to pass a vote excluding the press from attendance at their sittings. It is a novelty certainly in the arrangements of an Assembly whose rules ought to be grounded on the English constitution, and whose members are supposed to be the representatives of the people, that the sittings should be held with closed doors. Our own Legislative Council, it is true, follows the same plan, but they are not supposed to be moulded on the same system as the House of Commons. We have always advocated free discussion and publicity to all the debates which take place in either House, and it is with regret that we find our Legislative Council so persistently continuing their secret deliberations. There may, however, be a reason for their desire to keep their doors closed, as we doubt whether the publication of their deliberations, judging from the results, would be edifying to the community. Either this secret deliberative Council consume all their time in discussions, or they meet very seldom and to very little purpose; for it is certain that they get through very little work. We cannot compliment the House of Assembly for any vast amount of public business transacted since they met for its despatch; but they have transacted something. But so far as the Legislative Council are concerned we cannot tell what they have done; so far, however, as we are able to judge, we should say very little.

The Council of British Columbia is constituted on a different principle; some of the members belonging to that modern Star Chamber are returned by the people of the Colony, and yet on the very moment of taking their seats, they give up one of the rights of the people, by refusing them admission to hear the discussions on the laws which they meet to pass. We are at a loss to understand what is the reason of this inattention to the wishes of the public. Are the government ashamed of the proceedings which they wish the Council to inaugurate (for we understand that most if not all of the popular members were in favor of open debates), or is it the Council themselves who are ashamed of the share which they take in the business? Whichever is the cautious branch of the government of the sister colony which would exclude the public from any participation in the discussion of public affairs, we can only address the same warning to them; if the desire of the government is to enter on the administration of the affairs of the colony in a manner which will be satisfactory to the community at large, it will not suffice to make a show of admitting the representatives of the people into the Council, if the Colony is to be governed until the time has

the right of hearing and knowing what takes place on the discussion of laws which vitally affect the interests of the people. We are no democrats, but inasmuch as we have in common with all inhabitants of Victoria, an interest in the prosperity of British Columbia, we should certainly prefer to see a little less of the Star Chamber system adopted by the Council of that Colony.

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THE LAW OF CAPIAS.

NOTICE.

Watches on J. LEVISON, 5 Yates street, are returned that they be called for on and

all outstanding accounts will be paid off before the 1st of March next.

John J. LEVISON, 5 Yates street, by order.

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COMMERCIAL.

Auction Sales this Day.

MESSRS FRANKLIN are instructed to sell by public auction, at their sales room, Government street, at 12 o'clock noon, the Building known as the John Bull Hotel, containing several rooms, together with the Lease of the ground, also Lot on James Bay, etc.

DANIEL SCOTT & CO. will sell at their sales room, Front street, near Wharf, at 11 o'clock, precisely, Silks, Teapots, Coffeepots, Saw Files, Crockery, etc.

STOCK AND EXCHANGE BOARD.

WEDNESDAY, Feb. 10th, 1864.

Skidegate, 5 shares sold at \$47 50, buy 30 days Skidegate, 2 shares sold at \$45, regular way Sangerer, 100 shares sold at \$1 cash Sooke, 10 shares sold at \$5, regular way

OWENS.

Queen Charlotte, \$50 asked regular way \$47 50 off credit, buyer 30 days

Sanum, \$25 asked \$20 offered.

Eureka, \$70 asked \$15 offered.

Gold River, \$100 asked \$15 offered.

Hopetown, \$20 asked regular way, \$16 offered, buyer 30 days.

Britannia, 500 shares sold 30 days

OUTSIDE.

Sooke, 50 shares sold at \$8 cash

MARINE INTELLIGENCE.

ENTERED.

Feb 10—Schr. Eliza, Carlton, Cowichan Schr. Alberni, Anderson, Alberni

CLAIMED.

SUPREME COURT.

[BEFORE HIS HONOR DAVID CARMAN, ESQ., C. J., AND A SPECIAL JUR.]

Carr vs. Moody.—This case, which was heard on Tuesday, was called on at 10 o'clock; when the witness for the defence were examined.

Mr. J. C. Cochrane called and examined by Mr. McCraight. I am a Land Agent, I am agent to the defendant, Col. Moody, of the Royal Engineers. I recollect Mr. Carr, the plaintiff, coming to me in August last, and asking me to get him a report of which this act is brought, was for sale, I told him it was, that there were about four acres, and the price was \$4,000. I told him that he could find out the piece of ground by measuring 172 feet from the corner post of the whole lot, twelve acres of which had been sold. I did not go with him to the ground at that time. The purchase was completed on the 13th of August, and the money paid. I sold Mr. Carr the land described on the plan. I never pointed out the land itself by the boundary posts. The amount of acreage mentioned on the plan is 172 feet, which is the quantity I sold him, and which ought to have been given to him with the ground, and we found Mr. Green surveying. He did put in some of his posts, but had not completed the survey when we were there. I did not tell Mr. Carr that he was to have the land among any particular posts. The land was sold according to the plan.

The witness was examined at considerable length, and was then cross-examined by Mr. McCraight.

Job Glover was recalled and questioned by the court as to date of his commencing work. This completed the evidence for the defence.

Mr. McCraight then addressed the jury for the defendant, and urged that this was a case which should never have been brought against the defendant, and that no deceit or fraud had been shown.

Mr. Carr replied at length on the whole of the evidence.

His Honor then briefly summed up and the jury, retired, and after being shut up for nearly two hours, were discharged by the judge, the foreman stating that the jury were evenly divided, and that it was not at all likely that they could arrive at a verdict.

A Good Move.—We learn that it is the intention of the British Columbian Government to establish a mounted police force, for the protection of the main routes of travel between the mines and the lower country. The horses and arms belonging to the dismounted Gold Escort have not been disposed of, and will be available to equip the new body. We presume the organization of the corps will be similar to that adopted in Australia, where the plan has been found absolutely necessary for the safety of the traveling public, and has worked admirably. Although British Columbia has not been remarkable for its contributions to the public service, the crimes which are usually attendant on the eager pursuit of gold, still the few startling and atrocious murders which have been committed, have abundantly demonstrated the necessity for the establishment of some such force as that contemplated, and we are sure the proposal will receive the ready assent of the Legislative Council, and be greeted with the hearty approval of the traveling community generally.

Miss FANNY MORGAN.—We would remind the numerous friends and admirers of this gifted comedienne that her benefit is announced to take place this evening, when will be presented a new comedy (ever before presented in this city), by the renowned writer of the "Outlook," entitled the "West End" or "The Little Husses," to be followed by "A Husband on Demand," in both of which plays Miss Morgan will assume characters. As an unqualified onlooker has been attempted upon the professional reputation of this popular actress, we will satisfy that lady that her merits are fully appreciated by the public of Victoria.

STEAMBOAT FOR SALE.—By advertisement it will be noticed that the "Diana," belonging to Messrs. Anderson and Co., is offered for sale. The Diana, by a little judicial alteration, might be converted into an excellent boat for the conveyance of mails, passengers and freight between Victoria and the outer settlements, and we have no doubt that any party placing their trust in that trade would be liberally assisted by government, either in shape of a mail contract or by subsidy.

HYAH JOG AGAIN.—This notorious character was again brought before Mr. Pemberton yesterday, charged with stealing a shirt of the value of \$3 50, from the clothing store of Messrs. Brown & Matthews, on Washington street. The prisoner was sentenced to four months imprisonment with hard labor.

FURIOUS DRIVING.—A number of persons were yesterday summoned before the Police Magistrate on a charge of driving over the Esquimalt bridges at a faster pace than a walk. The Magistrate, with the exception of four cases which were dismissed, imposed a fine on each case of \$2 50 with costs.

WAGES SUIT.—Wm. Hawke sued Thos. Williams yesterday for \$27 50, wages due for work and labor performed at Goldstream as a miner. Defendant did not appear, and the Magistrate made an order for the amount claimed with costs.

A GOOD STAND.—Parties wishing to purchase an excellent business stand on the best street in the city, should attend the sale of the John Bull Hotel, Government street, to be held by Messrs. Franklin this day, at 12 o'clock.

The Legislative Council of British Columbia is adjourned until the 17th inst.

HOUSE OF ASSEMBLY.

MONDAY, Feb. 10th, 1864.

Estimates for 1864.—Continued.

ESTABLISHMENTS DETAILED.

CIVIL.

His Excellency the Governor.—Governor, £3,000; Private Secretary, 250; Provincial Messenger, 100; Contingencies, 50; Total, £3,650.

COLONIAL SECRETARY.—Colonial Secretary, £1,000; Posts, £1,000; Extra Assistance in Office, £500; Total, £2,500; Contingencies, 100; Printing Department, £200; Total, £3,050.

TREASURER.—Treasurer, £750; Clerks, 1,270; Messengers, 200; Stationery, 100; Total, £1,470.

COLONIAL SURVEYOR.—Colonial Surveyor, £1,000; Assistant Surveyor, £500; Office and one Meter, £800; Contingencies, 350; Total £1,450.

AUDITOR GENERAL.—Auditor, nil; Clerks in Department, £550; Contingencies, 60; Total £700.

COMMISSIONER OF LANDS AND SURVEYOR.—General Surveyor, £300; Posts, £100; Clerks, 200; Assistant Surveyor, £100; Posts, £100; Messenger, 100; Total, £600; Collector of Land Revenue, £1,000; Clerks, 100; Posts, £100; Total, £1,200.

CUSTOMS.—Collector, £650; Clerks, 840; Deputy Collector, Southern boundary, 300; Deputy, Rev. Officer, 350; Posts, £100; Clerks, 600; Posts, £100; Total, £1,600.

REGISTRAR GENERAL.—Registrar, £600; Clerks, 100; Posts, £100; Total, £700.

THE PUBLIC AIR HEREBY NOTE.

"An Act to Incorporate the City of Victoria," passed the second day of August, A. D. 1862, and is now in force. It is the Will of Her Most Gracious Majesty, Queen Victoria; and whereas, it is expedient for the good government of the city, that from and after the passage of this Act, the Chief Engineer and First Assistant Engineer of the Public Works of the City of Victoria may, and are hereby authorized to enter into agreement within the limits of the said city, including the village of Esquimalt, Clifton, Victoria, Stovely, St. Francis, Range, Victoria, Fireplaces, or other vessel in which fire is kept, and it is agreed that the said vessel shall be erected, or placed, or contrary to the provisions of this Act, for the protection of the city against fire, and that the said vessel shall be liable to the payment of £1 for the protection given by the said vessel, with something like 100 inches more of water, hence greater power is required to carry out the tailings and wash with more success. They are prospecting with energy on Saxe, Canadian and French creeks, though nothing had been struck yet.

In McCallum's Gulch, the Fountain Head Company is washing, and making money.

In McCullum's Gulch the Cariboo Company

are getting very rich; £100 per pan—so

has the St. John's in the same.

On Lower, the Idaho, Eureka, and four

other companies, are making money. The

population of that creek is 37 men. On

Lightning, 60 men are at work prospecting the ravines, and on this creek, with a

population of six hundred men, we have in

consequence of our mining laws only a few

companies at work; they are the Euroka,

Chips, Burn's Tunnel, Foster-Campbell,

Watson, Lillooet, Aurora & Caledonia; down below the Marysville alone is at work.

PROVISIONS.

Provisions are in abundance, I reckon 150

tons of what is commonly called grub, and

we have nothing to eat, although the sledges

have not yet and most likely will not make

their appearance this winter; for we,

however, are enterpriseing cattle drivers that

have got up a team of 100 head, and we have

about forty heads left, and we have 60 men

and one pony not bound; in about six weeks we shall

have nothing to buy, because we won't be

able to buy in here; I give you a general

list of retail current prices: flour, 50c per

lb.; bacon, 25c; beans, 62c; rice, 75c;

coffee, 25c; tea, 25c; coffee, £1 25; dried

apples, £1; salt, 75c; pepper, £2 50; butter, £2 50;

tobacco, £3 50; preserves, can, 25c

liquor, per gallon, \$17; nails, \$1; lumber,

1,000 feet, \$200; fire wood, can, \$12; onions,

\$1; potatoes, 62c; turnips, 40c; sour

krout, \$1.

COSMOPOLITE.

THE WEATHER.

From the 20th of September up to the

1st of December, the weather has been

remarkably mild, and I may say, without

feeling of being contradicted, that we enjoyed

better weather than in the months of

August. Up to that day snow was never

more than two feet deep on the top of

the great bulk of Cariboo's population left

this country, and it is quite interesting to

gaze at what has been done, and what could

be accomplished if justice were only done

done to Cariboo's mountains.

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Most Gracious Majesty, Queen Victoria;

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government of the city, that from and after

the passing of this Act, the said city

shall be called Victoria, and shall be

hereinafter referred to as such.

And whereas, it is expedient for the good

government of the city, that the said city

shall be incorporated under the name of

Victoria, and shall be a city.

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FOR SALE - TO LET.

TO LEASE,

For a Term of Years

A number of Lots on the New Esquimalt Road, in Victoria West, and on the Indian Reserve;

THE FIRST TEN APPLICANTS CAN HAVE THE HIGHEST Lot 30 x 120 for two years at a rental of 26 cents per month.

For further particulars, apply to

J. NAGLE,

Where a plan of the Lots can be seen,

Offices next to the Police Court.

feet 1m

TO BE LET.

THAT COMMODIOUS DWELLING

House, lately occupied by Mr. S. Gladwin, Esq., Possession given immediately.

— ALSO —

A Cottage on James Bay with Outhouses and

excellent Well of Water. Rent moderate.

FOR SALE.

A Corner Lot (full-sized), on James Bay, with

Detached House and Garden, &c. Terms of pur-

chase easy.

LOTS

On Government, Store, Johnson, Fort and Van-

couver Streets.

Lots of eligible Lots on Toot's Farm and else-

where for sale on reasonable terms.

Apply to

MR. QUICKSHANK,

Government street.

To Rent.

THE BAR ON BOARD THE STEAMER

Enterprise for a period of five months. Tenders

will be received at the Wharf office, on H. B. Co's

Wharf, up to February 1st, 1864.

Apply for a copy of the Tenders at the Wharf office.

W. A. MOULT, Master.

TO PUBLICANS

AND OTHERS.

TO BE DISPOSED OF,

THE STOCK IN TRADE, FURNI-

TURE, fixtures and Goodwill of that well

known House.

"THE PONY SALOON".

GOVERNMENT STREET,

BETWEEN JOHNSON AND YATES

Enquire on the premises of

C. HOUNSLAW.

TG I.E.T.

AN OLD ESTABLISHED BAKERY,

situated in Waddington Alley. Enquire on the

premises.

TO SALOON AND STOREKEEPERS.

To be Leased.

RENT, \$60 FOR FIRST YEAR.

THE TWO-STORY BRICK

building on corner of View and Douglas

streets, containing a Saloon, 12 x 30 on

ground floor, and 3 Bedrooms on first floor.

Apply to

W. QUARLES,

St. Nicholas Hall.

TO LET.

THE WHARF, WAREHOUSE, STORE

and Premises on Wharf street, lately occupied

by Messrs. PRICE & CO.

Apply to

M. MUNRO,

Hudson's Bay Co.

To Let!

WITHIN ONE MILE AND A HALF

of the town, Sections of LAND containing

Five Acres and upwards, will be let at a rea-

sonable rent for a term of years.

Some parts of this land command a splen-

did view, and well adapted for building sites, and

other parts are well adapted for market gardens.

For further particulars apply to

W. J. McDONALD,

Courtney street.

— ALSO —

ONE OR BOTH OF THE COM-

modious and centrally situated Stores

last flasted on Store street for

ANDERSON & CO.

Wharf street.

Rooms to Let.

FURNISHED AND UNFURNISHED.

Also, A LARGE ATTIC, 37 x 45, well adapt-

ed for a photographer or any business requiring a

good light.

For particulars, apply on the first floor, Fort

street, opposite the Congregational Church.

1818m*

FOR SALE.

A GOOD HOUSE AND FULL-

YARD, situated on the south side of

the Fort, Victoria, built from the

ground up.

There is a Well of Good Drink-

ing Water, fed from a well in the

Trees bearing fruit, three Outhouses. Terms moderate.

For particulars, apply to

W. J. McDONALD,

Courtney street.

Desirable Investment.

A RARE CHANCE FOR A WORKING

man with a small capital.

For Sale.

A NINTEREST IN A WELL KNOWN

and favorably situated Sawmill on Williams

Creek, Camborne, for particulars apply to

MR. QUICKSHANK,

Government street.

— ALSO —

F. WEISSENBURGER,

Successor to Ed. Lowenber

g, Esq.,

REAL ESTATE AGENT,

No. 35, East side of Government street, between

Broughton and Fort streets.

WILL PAY PARTICULAR ATTEN-

TO CEDAR, purchasing, and leasing pro-

perty, to negotiating loans, and transacting every-

thing on the Island.

Plans of all the different Districts on the Island

may be seen at his office. Parties desirous of pur-

chasing, let him know, and he will make all

arrangements.

Conveyances, Leases, &c., drawn up at reasonable

rates.

Pharmacie Francaise.

A. de CUGIS,

PHARMACIEN & CHIMISTE

Member of the College Imperial of Paris.

DRA. DE CUGIS IS IN THE HONOR

to inform his friends and the Inhabitants of

Victoria that he has opened a French Apothecary

Shop in Oriental Alley, where he has all the

articles of the French and English Dispensaries,

Sickness of the 1st, 2nd and 3rd order.

The Doctor has practiced during five years under

the celebrated Professor Brood in the Hospital Du Midi, Paris.

Rheumatism:

This cruel sickness is cured in a few days.

DYSENTERY. The most chronic is stopped in 48

hours.

— ALSO —

STAR & GARTER

PARLOR.

ENTERTAINMENT

EVERY

EVENING.

Large, and of First Quality.

1818m

The Eminent Pianist, Mrs. GLOVER,

will preside at the Piano.

1818m

1818m